

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Theresa C. Vincent

Docket No. 0650 3:13CR00153 - 2

Petition for Action on Conditions of Pretrial Release

COMES NOW Kimberly J. Haney, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Theresa C Vincent
who was placed under pretrial release supervision by the Honorable E. Clifton Knowles
sitting in the Court at Nashville, Tennessee, on September 13, 2013, under the following
conditions: Please reference the attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page two of this document.

I declare under penalty of perjury that the foregoing is true and correct.

<u>Kimberly J. Haney</u> U.S. Pretrial Services Officer	<u>Nashville, TN</u> Place:	<u>September 16, 2014</u> Date:
Next Scheduled Court Event	<u>Sentencing Hearing</u> Event	<u>November 21, 2014</u> Date

PETITIONING THE COURT

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Action
<input type="checkbox"/> To Issue a Warrant | <input type="checkbox"/> To issue an order setting a hearing on the petition
<input type="checkbox"/> Other |
|--|--|

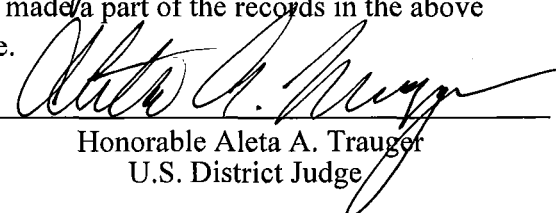
THE COURT ORDERS:

- ☒ No Action
☐ The Issuance of a Warrant.
 ☐ Sealed Pending Warrant Execution
 (cc: U.S. Probation and U.S. Marshals only)
☐ Other

- ☐ A Hearing on the Petition is set for

Date _____ Time _____

Considered and ordered this 16th day
of Sept., 2014, and ordered filed
and made a part of the records in the above
case.


Honorable Aleta A. Trauger
U.S. District Judge

Honorable Aleta A. Trauger
U.S. District Judge
RE: Petition for Action On
Theresa Vincent
3:13CR00153-2
September 16, 2014

On September 13, 2013, Theresa C. Vincent appeared before Your Honor for an Initial Appearance hearing. On that date, the defendant was released on a personal recognizance bond with pretrial services supervision. She has since been supervised by the United States Probation and Pretrial Services Office in the Middle District of Tennessee.

Special Conditions of Pretrial Release:

Please reference the attached Order Setting Conditions of Release.

Violation(s):

Condition (7)(i): Abide by the following restriction on travel: Restricted to Middle District of Tennessee unless otherwise pre-approved by Pretrial Services.

On August 31, 2014, the defendant traveled to Gulfport, Mississippi, without approval from Pretrial Services.

Probation Officer's Actions:

On October 11, 2013, the defendant signed a pretrial services document regarding travel requirements. Specifically, the document indicated travel outside of the district requires at least five days' notice. On August 31, 2014, the pretrial services officer received notification that the defendant had contact with law enforcement officers in Gulfport, Mississippi. The defendant had not previously requested permission to travel outside of the district. The pretrial services officer had not authorized the defendant to travel to Mississippi. The pretrial services officer spoke with the arresting officer on September 2, 2014, and he advised the defendant was initially stopped in her vehicle for not wearing her seatbelt. The arresting officer issued the defendant a citation for Seatbelt Violation. She is scheduled to appear in court, in Gulfport, Mississippi, on September 16, 2014, unless she pays the fine by mail.

On September 15, 2014, the defendant met with the pretrial services officer and Vidette Putman, Supervisory U.S. Probation Officer (SUSPO). A staffing was conducted to inquire about the defendant's unauthorized travel out of the district. The defendant indicated that she has been under a great deal of stress since entering a plea to her pending federal offense. She stated the opportunity presented for her to travel to Gulfport, Mississippi, to celebrate her birthday with some friends. The defendant related she made attempts to obtain permission to travel from the pretrial services officer; however, when a response was not received, she continued with her travel plans. SUSPO Putman strongly admonished the defendant for her actions and explained the seriousness of her non-compliance. The defendant advised that she understood, and she would obtain permission prior to any future travel plans. The pretrial services officer explained the protocol for requesting travel to the defendant, and she was issued several travel request forms for future use.

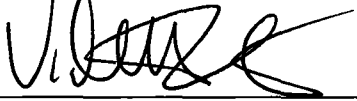
Honorable Aleta A. Trauger
U.S. District Judge
RE: Petition for Action On
Theresa Vincent
3:13CR00153-2
September 16, 2014

Respectfully Petitioning the Court as Follows:

It is respectfully recommended that no action be taken by the Court at this time.

Assistant U.S. Attorney William Abely has been notified regarding the above alleged violation.

Approved by:

A handwritten signature in black ink, appearing to read 'Vidette A. Putman', written over a horizontal line.

Vidette A. Putman
Supervisory U.S. Probation Officer

xc: William Abely, Assistant U.S. Attorney
Deanna Johnson, CJA Panel Attorney

UNITED STATES DISTRICT COURT

MIDDLE

District of

TENNESSEE

United States of America

V.

ORDER SETTING CONDITIONS OF RELEASE

THERESA C. VINCENT

Case Number: 3:13-00153-2

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) The defendant promises to appear at all proceedings as required and to surrender
- () The defendant executes an unsecured bond binding the defendant to pay _____ dollar _____)
in the event of a failure to appear as required or to surrender as directed for

DISTRIBUTION:

COURT

DEFENDANT

PRETRIAL

SERVICES

U.S. ATTORNEY

U.S. MARSHAL

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and state) _____

(Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

Date

(X) (7) The defendant shall:

(X) (a) report to the U.S. Pretrial Services as directed _____,

telephone number (615) 736-5771, not later than _____.

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____

() (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described _____

() (d) execute a bail bond with solvent sureties in the amount of \$ _____.

(X) (e) maintain or actively seek employment, attend school, +/or provide proof of disability benefits.

() (f) maintain or commence an education program.

(X) (g) surrender any passport to: Pretrial Services

(X) (h) obtain no passport.

(X) (i) abide by the following restrictions on personal association, place of abode, or travel:

Restricted to Middle District of TN unless otherwise pre-approved by Pretrial Services

(X) (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: co-defendants who prior approval by Pretrial Services

() (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____

() (l) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____

() (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

(X) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

(X) (o) refrain from () any (X) excessive use of alcohol.

(X) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(X) (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

(X) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

(X) (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

() (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

() (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

() (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

(X) (u) report as soon as possible to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop. and within 48 hrs

(X) (v) Shall permit Pretrial Services Officer to visit you at home or elsewhere at any time, and allow Pretrial Services Officer to confiscate any contraband in plain view.

() (w) _____

() (x) _____

Advice of Penalties and Sanctions**TO THE DEFENDANT:****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant**Directions to United States Marshal**

- (x) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: September 13, 2013

Signature of Judicial OfficerE. CLIFTON KNOWLES, U.S. MAGISTRATE JUDGE
Name and Title of Judicial Officer

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL